


Pre-211/18

CONFIDENTIAL

04.07.00

	OKLAHOMA HIGHWAY PATROL OPERATIONS MANUAL		
<i>Directive Type:</i>	General Order	<i>Number:</i> 04.07.00	
<i>Subject:</i>	Vehicular Pursuit Operation	<i>Effective Date</i> 04/15/14	<i>Date Revised</i> --
<i>Related Forms or Directives:</i>	NONE		
<i>Instructions:</i>	This General Order shall be included in the initial issuance of the Oklahoma Highway Patrol Operations Manual (2014 version) and shall so remain unless it is deleted, modified or replaced by proper authority.		

I. Purpose:

The purpose of this policy is to establish guidelines for making decisions with regard to vehicular pursuit operations.

II. Definitions:

A. Authorized Emergency Vehicle: For purposes of this policy, an authorized emergency vehicle is a vehicle equipped with sirens capable of giving audible signals as required by the provisions of Section 12-218 of title 47 of the Oklahoma Statutes and flashing red lights as authorized by the provisions of Section 12-218 of title 47. [Ref. 47 O.S. § 1-103]

B. Vehicular pursuit: An active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude law enforcement.

C. Pursuit unit: A law enforcement vehicle engaged in a vehicular pursuit as a primary unit and/or secondary unit(s).

D. Primary unit: The primary unit is the leading law enforcement vehicle initiating the vehicular pursuit unless it is relieved by another unit or for some reason it is unable to continue the vehicular pursuit.

E. Secondary units: Any law enforcement vehicle(s) involved as a backup to the primary unit.

F. Support Units: Any law enforcement vehicle(s) providing assistance during vehicular pursuit operations that are not directly involved in the vehicular pursuit as a primary or secondary unit.

G. Caravanning: The use of more than three (3) pursuit units in a vehicular pursuit.

H. Tactical Vehicle Intervention (TVI): Tactical Vehicle Intervention is the use of a pursuit unit as a "use of force option". When properly performed, TVI is a controlled maneuver used to safely end a vehicular pursuit and, in doing so; minimize the risk of injury to the public, the member, and the suspect. TVI is not vehicle weaponry or ramming.

I. Pinning: Pinning is the intentional use of a law enforcement vehicle(s) to block the escape of the suspect vehicle at the conclusion of a vehicular pursuit.

J. Vehicle Weaponry (ramming): Vehicle weaponry is the intentional use of a law enforcement vehicle(s) against another vehicle or object in order to stop an imminent threat of harm to the member or another person.

K. Roadblocks: A roadblock is the partial or complete blockade of a street or highway.

III. Policy:

Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, members, and suspects involved in the vehicular pursuit. It is the responsibility of the Patrol to assist members in the safe performance of their duties. Any decision to pursue or continue a pursuit involves striking a balance between law enforcement effectiveness and the risk of injury to the public. It shall be the policy of this agency to regulate the manner in which vehicular pursuits are undertaken and performed in order to promote the safety of all persons and the effective use of Department resources.

A. Oklahoma Law

The Oklahoma Supreme Court has adopted "reckless disregard for the safety of others" as the duty of care an emergency vehicle driver owes to the public while operating pursuant to section 11-106 of title 47 of the Oklahoma Statutes (Ref. *State ex rel. Oklahoma Dep't of Pub. Safety v. Gurich*, 2010 OK 56, 238 P.3d 1).

B. No vehicular pursuit shall be conducted with a purpose to cause harm unrelated to the legitimate object of arrest.

C. Nothing in this policy prevents a member from proactively responding as a backup to any agency that is handling a potentially hazardous call.

IV. Procedure:

A. General

1. The member shall activate and ensure function of emergency and in-car video recording equipment. Non-working equipment shall be reported to the communication center immediately.

2. The member initiating the vehicular pursuit shall immediately notify communications personnel a vehicular pursuit is underway and shall provide the following information:

- a) any weaponry involved,
- b) whether it is a vehicular pursuit or a failure to yield to red light and siren (slow pursuit),
- c) location and direction of travel,
- d) vehicle description (make, model, approximate year and color),
- e) driver and occupant(s) description,
- f) brief description of subject's driving behavior, i.e.; speed of violator, what degree of respect for other traffic (little, none or attempting to strike other persons or objects), and
- g) reason for vehicular pursuit, i.e.; traffic offense which instigated the vehicular pursuit, known wanted person in vehicle, stolen vehicle, etc.

3. Any pursuit unit sustaining damage that could compromise safe operation of the vehicle or experiencing failure of essential vehicular equipment during the vehicular pursuit shall discontinue participation in the vehicular pursuit. The member shall notify communications so another unit may be assigned to the vehicular pursuit.

B. Initiation of Vehicular Pursuits – Members are authorized to initiate vehicular pursuits when:

1. the suspect exhibits the intent to avoid arrest by using a vehicle to flee apprehension for an alleged felony or misdemeanor, and/or
2. the suspect operating the vehicle refuses to stop at the direction of the member.

C. Vehicular Pursuit Operations – Members shall carefully compare the seriousness of the violation to the hazards of a vehicular pursuit and shall carefully and continually consider the danger to themselves and the public in determining whether to attempt involvement in a vehicular pursuit.

1. Environmental factors – Members shall consider the environmental factors in determining whether to initiate or continue a vehicular pursuit. Members shall not become or remain involved in a vehicular pursuit when their effectiveness or safety is limited by the following factors:

- a) the performance capabilities of the Patrol vehicle;
- b) the condition and character of the road surface on which the vehicular pursuit is being conducted;
- c) the amount of vehicular and pedestrian traffic in the area;
- d) the member's location relative to the distance from the vehicular pursuit and its direction of travel;
- e) the number of law enforcement vehicles directly involved in the vehicular pursuit;
- f) the weather conditions;
- g) the speed involved; and
- h) the training and driving ability of the member.

2. Evaluation – Members shall continually reevaluate the environmental factors over the course of a pursuit as the situation may change and render the pursuit unnecessarily unsafe.

3. Passing – Members involved in a vehicular pursuit shall not pass the primary unit unless requested to do so by the member operating primary unit or when other extenuating circumstances necessitate the member to pass the primary unit.

4. Lane use – Members shall not pursue a suspect vehicle the wrong way or in the opposing lanes of traffic unless extenuating circumstances exists that can be justified by the member.

5. Caravanning – Members shall coordinate the use of pursuit units to limit caravanning.

a) Unless expressly authorized by a supervisor, the vehicular pursuit shall be limited to the assigned primary and secondary units.

b) Members involved in blocking intersections, deploying stop sticks, or other indirect activities related to the vehicular pursuit will not be considered as pursuit units.

D. Discontinuation of Vehicular Pursuits – The decision to discontinue or cease vehicular pursuit operations without further intervention may be the most rational means of preserving the lives and property of the public, the member, and the suspect. Vehicular pursuits may be discontinued by the member operating the primary unit or any Patrol supervisory personnel.

1. Vehicular pursuit shall be immediately discontinued in any of the following circumstances:

a) the danger posed by continued vehicular pursuit to the public, the members, or the suspect(s) is greater than the value of apprehending the suspect(s);

b) the distance between the vehicular pursuit and fleeing vehicle is so great that further vehicular pursuit is futile; or

c) circumstances related to sections F and G of this order involving Multi-Agency Vehicular Pursuits and Pursuit across State Lines.

2. Members shall immediately notify communications personnel when a vehicular pursuit is discontinued and provide any further information acquired which may assist in an arrest at a later date.

E. Termination of Vehicular Pursuits

1. Tactical Vehicle Intervention

a) Members may implement Tactical Vehicle Intervention (TVI) when other options are not available, have failed, or it becomes evident that it would be reasonable to implement this use of force option to terminate the vehicular pursuit.

b) Members shall consider the traffic and roadway conditions, as well as the speed of the pursued vehicle prior to performing the maneuver. As speeds increase, the outcome of the maneuver becomes less predictable, and the chance of serious damage or injury increases as well.

c) Members shall not implement TVI solely at the request of another agency.

2. Pursuit roadblocks – The following guidelines shall be met when establishing a pursuit roadblock:

a) Activate all visual emergency equipment.

b) Select vehicles which are clearly marked as law enforcement vehicles. Motorcycles shall not be used in pursuit roadblock situations.

c) Position selected vehicles in such a way that they are clearly visible and part of a roadblock.

d) If setting up a night roadblock, light up the roadway without blinding the suspect or pursuing vehicles as much as possible.

e) The purpose of these standards is to give the suspect time to decide on options which may include:

(1) surrendering;

(2) running the roadblock; or

(3) understanding the consequences of failing to surrender.

f) Placement of roadblocks – The best location would obviously be one where the road is narrowed down by a bridge, culvert, etc. Avoid placing the road block at a location where the suspect has an alternative route.

(1) Select a location for a roadblock which provides as long a visual path as possible.

(2) Select a location that will enable a motorist to see the Patrol vehicle, cones, flares, or fusees in time to stop.

(3) Do not set up a roadblock immediately over the crest of a hill or behind a sharp curve.

(4) Actual placement of the vehicles will vary according to location and situation.

(5) Whatever placement is utilized, consideration must always be given to officer safety, availability of communications equipment and visibility to on-coming traffic.

(6) Members may establish roadblocks for a variety of reasons. Roadblocks shall not be used when it is apparent citizens or other officers could be placed in unnecessary danger. Extreme caution must be exercised when utilizing roadblocks because of the obvious dangers inherent to high speed vehicular pursuits.

g) Types of Roadblocks – As with any use of force, pursuit roadblocks should, when practical, progress from the use of tire deflation devices (low risk) up through the force continuum to full block (high risk) if necessary. The following are types of pursuit roadblocks.

(1) Tire deflation devices – Tire deflation devices are a valuable tool which can be used either singularly or in conjunction with road blocks.

(a) Tire deflation devices will be considered as the first road block option, and used in accordance with established manufacturer guidelines.

(b) Tire deflation devices shall not be used on vehicles with less than four (4) tires unless circumstances make it necessary to utilize deadly force to stop the immediate threat.

(2) Partial road block – Partial blocking of a roadway with a law enforcement vehicle(s) that will allow the pursued vehicle a clear avenue to pass, so as to give the suspect the option of stopping or bypassing the road block.

(3) Rolling road block – Practice of using moving law enforcement vehicle(s) to block or box in a moving suspect vehicle. The use of a rolling road block in a vehicular pursuit is strongly discouraged and shall not be attempted at high speeds.

(4) Full road block – Total blocking of a roadway, leaving no path of escape.

(a) Full road blocks shall not be used unless circumstances make it necessary to utilize deadly force to stop the immediate threat.

(b) A full block should only be implemented after lower risk option(s) have failed to stop the pursued vehicle.

3. Vehicle weaponry (ramming)

a) Vehicle weaponry shall not be used unless circumstances make it necessary to utilize deadly force to stop the immediate threat.

b) Vehicle weaponry shall not be used by the pursuing member if the fleeing vehicle contains people other than the driver, who are not charged with or suspected of having committed a serious crime.

4. Pinning – The pinning of a vehicle at the conclusion of a vehicular pursuit does not constitute TVI or vehicle weaponry (ramming).

F. Multi-Agency Vehicular Pursuits – The policy governing OHP assistance with vehicular pursuits that have been initiated by another law

enforcement agency is not intended to circumvent any other agency's policies or guidelines. It is intent of the OHP to assist with vehicular pursuits, upon request, while allowing the originating agency oversight and control over their own pursuits in accordance with that agency's own controlling local ordinances, policies, and/or other governing authorities.

1. Members shall not join vehicular pursuits initiated by another law enforcement agency unless specifically requested to do so by the initiating agency.

a) Such requests may be received directly from an officer of the initiating agency or indirectly through affected communication centers.

b) Mere notification of the existence of a vehicular pursuit shall not be construed as a request for OHP assistance.

2. Members may assist the initiating agency by joining the vehicular pursuit as a secondary or support unit.

3. Members shall not consider a request for assistance from another law enforcement agency as a request to assume the role of primary unit of the vehicular pursuit or initiate a Tactical Vehicle Intervention (TVI) for another agency. It is not the intent of the OHP to terminate vehicular pursuits for other agencies.

4. Members shall not assume the role of the primary unit or take over the vehicular pursuit unless:

a) the member is specifically requested to do so by the initiating agency; or

a) the member believes the subject represents an imminent danger to the public; or

b) the initiating agency discontinues the vehicular pursuit based solely upon departmental policy limitations such as speed limit restrictions, territorial jurisdiction, etc., or because of mechanical failure.

5. Members shall not assume the role of primary unit or take over vehicular pursuits initiated by another law enforcement agency within its incorporated city limits.

6. Members shall immediately discontinue their vehicular pursuit when the initiating agency discontinues their vehicular pursuit due to public safety considerations unless:

a) the vehicular pursuit enters a roadway that is the primary responsibility of the OHP (an interstate, U.S. or state highway, or county road); and

b) discontinuing the vehicular pursuit would not be proper due to the suspect's involvement in a major crime or by the imminent danger imposed on the public as with an escapee or a dangerous felon.

7. At any time during a vehicular pursuit, supervising personnel may order the vehicular pursuit be discontinued. Members involved in the vehicular pursuit shall immediately discontinue their involvement regardless of the situation.

G. Pursuit across State Lines

1. When a person wanted for a misdemeanor flees to and crosses the state line, any member(s) in vehicular pursuit of such person shall discontinue the vehicular pursuit at that point and notify appropriate agencies.

2. When a member is in fresh vehicular pursuit of a person who has committed a felony, or who the member has probable cause to believe has committed a felony, the member is authorized to continue the vehicular pursuit into another state until another law enforcement agency with jurisdiction becomes involved. Once the other agency takes over, the member is to become a support unit and follow the vehicular pursuit until its termination and/or discontinuation. Members shall exercise reasonable discretion and good judgment in determining the level of response (to include the option of proceeding to the termination and/or discontinuation point at normal speeds). If the member apprehends the person, the member shall take the person immediately and without unnecessary delay before a magistrate in the county in which the arrest was made.

H. Primary Unit's Responsibility – The primary unit shall:

1. Keep headquarters updated as to change of location/direction, speed of pursued vehicle, and any other pertinent information unless a

secondary unit arrives who will then assume radio responsibility from the primary unit.

2. Reduce the level of vehicular pursuit to that of a support or secondary unit when:

- a) the fleeing vehicle comes under the surveillance of an air unit, or
- b) another unit has been assigned as the primary unit.

I. Secondary Unit's Responsibility – The secondary unit(s) shall keep headquarters updated as to change of location/direction, speed of pursued vehicle, and any other pertinent information.

J. Supervisor's Responsibility – The supervisor or commanding officer shall:

- 1. Monitor and evaluate the vehicular pursuit to determine if continuation is necessary. The supervisor or commanding officer may order the discontinuance of any vehicular pursuit or other involvement by OHP personnel. During multi-agency vehicular pursuits this allows the initiating agency to operate within their scope of involvement and authority and ensures the safety of OHP personnel and the public.
- 2. Coordinate the use of pursuit units to prevent caravanning, and discontinue other units when caravanning is evident.
- 3. Respond immediately to the scene where the vehicular pursuit was terminated by use of force and investigate any incident of Tactical Vehicle Intervention, vehicle weaponry, unit collision, or other use of force and report the findings from the investigation through the chain of command to the appropriate authority.

K. Command Staff Responsibilities – The appropriate command staff member shall:

- 1. for a TVI incident:
 - a) close as justified;
 - b) request a Chiefs Review Board; or

c) take any disciplinary action administered according to OHP policy.

2. for a vehicle weaponry incident, take necessary action to see that a Chiefs Review Board is convened. A Review Board may be waived by the Chief, or his designee, if by the very nature of the incident it can be readily classified by the member's chain of command.

3. Any vehicular pursuit may be reviewed by the Chief or a Review Board to determine adherence to Department policies and procedures.

L. Communication Center Responsibilities – The communications officer first advised of the vehicular pursuit shall:

1. assist with coordination of pursuit units; and
2. immediately contact an OHP supervisor or commanding officer.

This policy is consider tactical and shall not be released without specific approval.

END OF POLICY